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January 28, 2008

**By Facsimile (212) 297-0777**

Steven L. Kessler, Esq.  
122 East 42nd Street, Suite 606  
New York, NY 10168

Re: Mark Kapiti v. Raymond W. Kelly, et al., 07 Civ. 3782 (RMB)

Dear Mr. Kessler:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced matter, I write in response to plaintiff's "Notice to Take Deposition Upon Oral Examination", dated January 15, 2008 which was postmarked on January 22, 2008 and received by this office on January 23, 2008. As an initial matter, I am unavailable to attend a deposition on February 5, 2008. Please contact me to reschedule the date of the deposition. Second, in accordance with Rule 30 of the Federal Rules of Civil Procedure, please advise defendants of the identity of the individual plaintiff intends to examine.

If you have any further questions, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink that reads "David M. Hazan".

David M. Hazan  
Assistant Corporation Counsel  
Special Federal Litigation Division